

Court of Appeals, State of Michigan

ORDER

Guardian Alarm Co of Michigan v Duane Williams

Docket No. 285925

LC No. 08-089294-CZ

Kirsten Frank Kelly
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray
Judges

The motion for immediate consideration is GRANTED.

The Court orders, pursuant to MCR 7.205(D)(2), that the trial court's April 2, 2008 order granting plaintiff's motion for a preliminary injunction is VACATED. Without specifically setting forth the reasons for issuing the injunction, and describing and detailing the acts restrained, the trial court failed to fulfill the mandates of MCR 3.310 (C).

The trial court shall reconsider plaintiff's motion for a preliminary injunction and issue an order that complies with the requirements of MCR 3.310(C) and also addresses the relevant factors for determining whether a preliminary injunction is appropriate. See generally, *Thermatool Corp v Borzym*, 227 Mich App 366, 376; 575 NW2d 334 (1998). In determining the likelihood of plaintiff's success on the merits, the trial court shall consider, among other things, whether the covenant not to compete is overly broad as it pertains to the restrictions on the type of business in which defendant may participate. See generally, *Follmer, Rudzewicz & Co PC v Kosco*, 420 Mich 394, 402-404; 362 NW2d 676 (1984); *St Clair Medical PC v Borgiel*, 270 Mich App 260, 265-266; 715 NW2d 914 (2006). The trial court shall also consider whether plaintiff has suffered an irreparable injury given its finding on the record that no confidential or proprietary information is at issue.

This case is REMANDED to the trial court for further proceedings consistent with this order. We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 15 2008

Date

Sandra Schultz Mengel
Chief Clerk